

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Leased Commercial Access)	MB Docket No. 07-42
)	
Development of Competition and)	
Diversity in Video Programming)	
Distribution and Carriage)	
)	
)	

To: The Commission

COMMENTS OF Duane J. Polich and Combonate Media Group

These comments by Duane J. Polich, an individual and Combonate Media Group (“Combonate”) are submitted in response to the Notice of Proposed Rulemaking regarding Leased Commercial Access and designated MB Docket No. 07-42.

Combonate is dedicated to the production of community oriented locally focused television programming of interest, benefit and value to our customers and viewers. Our mission is to provide a venue for the dissemination of news and information, aimed at keeping our service area informed about local issues and events that affect their lives. Our plan is to distribute our programming via low power TV stations and leased access cable TV stations either on a part time or full time basis.

Combonate believes that leased cable access TV offers an excellent vehicle to distribute our programming and achieve our mission in the various communities

that we plan to operate. We plan to operate in mostly small and suburban markets, not currently being adequately served by full power commercial television stations. We plan to locally focus our programming by providing service to readily identifiable geographical areas such as a city/town, a county or other specific area where the population have common interests, schools, businesses, government, etc.

However, Combonate's plans have been met with frustration in trying to lease access on cable by a specific region. With the increased consolidation of cable operators in many markets and the increasingly consolidation of cable systems/headend operations it has had made it difficult to locally focus our programming and operate according to our business plan. To give a specific example, Combonate Media Group operates in the Seattle, Washington area and would like to provide programming targeted to the Puget Sound area. This area includes many cities and towns, (metropolitan, suburban and rural) and 9 counties, each with its own specific interests and needs. The area is mainly served by Comcast Cable. Combonate inquired and received information on leased access for the Seattle Metropolitan market serving over 900,000 subscribers in a 3 county area. When Combonate inquired on rates and leased access just for Skagit County, 60 miles north of Seattle, we were told that the leased access programming would come out of Seattle and that we would have to air our programming on the Seattle system as well, with the accompanying rate. The cost of leasing a full time channel on the Seattle system is about \$340,000 a month for about 900,000 subscribers.

Skagit County has a population of over 100,000 people with three main cities, (Mt. Vernon, Anacortes and Burlington). Skagit County has no local TV broadcast stations and receives signals from Seattle and Bellingham in Washington State and Victoria and Vancouver in British Columbia, Canada. None of these outlets can provide the type of programming that Combonate intends to produce, such as local junior and senior high school sports, local business showcases, community events, festivals, government talk shows, local community news and information programming, etc. None of this programming would be of interest to residents of the Seattle Metro area. With the consolidation of the cable systems and head ends, requiring leased access users to air their programming to such a wide area (with unjustifiably increased cost) “negates” the prime value of leased access as being a outlet for targeted local programming and places an additional burden on potential leased access users by forcing them to buy markets they don’t want, or markets that have no interest in the programming that is being presented. Skagit County would have probably 20-25 k subscribers and thus \$340,000 per month is way too high to cover just this number of subscribers. Combonate would never be able to generate this type of revenue from the Skagit County market.

In their research, Combonate found that Comcast offers a service called Spotlight, which offers commercial ad insertion on various cable channels such as TNT, TBS and Spike TV. The service is offered to local businesses by zone, so they can target a

specific area. Many of these zones offered by Spotlight break down to specific geographic regions that, would also work well with presenting locally targeted programming, such as the type that Combonate plans to produce. It would only make sense that leased access programming should be targeted by zone this way. In addition, there are many cities in the region that have their own city government or PEG channels which are targeted as well. Combonate has heard from other potential leased access users that have encounter the same problem on other cable systems in various markets, where leased access is not available by a targeted market, but users would be required to buy additional markets as well, making it financially unfeasible. This problem has been magnified due to consolidation of cable systems owners. Previously the area of interest to Combonate was available for leased access by that area when it was owned by TCI Cable. One of these Spotlight zones which covers Skagit and nearby Island County would work for Combonate. It has been difficult to get information from Comcast, whether there is a solution to this problem. This has caused a delay to Combonate in carrying out its plans. Combonate would be interested in serving other markets in the area, if leased access could be leased/presented by Spotlight zones.

Thus, Combonate would ask/encourage the FCC in this rulemaking to amend its rules to require cable systems to offer or reasonably accommodate targeted zone leased access programming where technically feasible, especially in areas/zones where targeted ad insertion or city/local government channels are available.

Combonate is aware of several leased access users that are successfully using leased access to present programming of the type that Combonate plans to present, to specific communities and regions. This includes Hometown Television in Indiana (www.htv19.com), Image TV in North Carolina (www.imagetv19.com) and TV Camden in Georgia (www.tvcamden.com). None of these operations would be successful if they had to buy additional markets that have no interest in their programming. For example, TV Camden operates in St. Mary's and Kingsland, GA. This is near Jacksonville; FL. TV Camden presents programming of value and benefit to these communities. TV Camden would not be feasible if they had to buy the Jacksonville market. We do note that these users operate in areas which are covered by smaller cable systems.

Combonate is also aware of leased access users presenting locally focused programming in the past that have gone out of business, mainly because of problems in dealing with the cable company (such as channel placement, programs not airing as schedule, not having control over the scheduling of programs, rates, etc.). These include WEPT in Massena, N.Y., Lakes TV in Spirit Lake, Iowa, MCTV in Michigan City, Indiana and Northern Utah TV in Ogden, UT. The type of local programming that these businesses provide/provided are, of benefit and value to the communities they serve and are in the public interest. The programming is also of value and interest to the cable company as well, as it allows them to present local

programming not available from satellite providers such as Dish Network and Echostar. We also note that with telephone companies offering television services by fiber, the Commission should be aware of this and allow for the means for video producers to have access to them as well, along the same lines that cable companies are required to provide.

These types of leased access users need to operate in an environment conducive to their business and not have to encounter obstacles such as described above.

Respectfully submitted,

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